

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
KUKIO UTILITY COMPANY, LLC)
For a Certificate of Public)
Convenience and Necessity Pursuant)
to Section 269-7.5, Hawaii Revised)
Statutes, to Provide Water and)
Sewage Treatment Services in Kukio,)
North Kona, Hawaii; Approval of)
Water Purchase Agreement with WB)
Kukio Resorts, LLC Pursuant to)
Section 269-19.5, Hawaii Revised)
Statutes; and for Approval of)
Rules, Regulations and Rates.)

DOCKET NO. 01-0433

ORDER NO. 20207

Filed May 29, 2003

At 11:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2003 MAY 29 P 4: 19

RECEIVED

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of))	
KUKIO UTILITY COMPANY, LLC)	Docket No. 01-0433
)	
For a Certificate of Public Convenience and Necessity Pursuant to Section 269-7.5, Hawaii Revised Statutes, to Provide Water and Sewage Treatment Services in Kukio, North Kona, Hawaii; Approval of Water Purchase Agreement with WB Kukio Resorts, LLC Pursuant to Section 269-19.5, Hawaii Revised Statutes; and for Approval of Rules, Regulations and Rates.)	Order No. 20207
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ORDER

I.

By Order No. 20170, filed on May 7, 2003, the commission granted a further enlargement of time to KUKIO UTILITY COMPANY, LLC (Kukio) to file a motion for reconsideration and/or clarification of Decision and Order No. 20103 (Decision and Order), filed on March 27, 2003 in this docket.¹ Pursuant to Order No. 20170, Kukio was given until May 15, 2003² in which to file its motion for

¹In Decision and Order No. 20103, the commission determined, among other things, and which is the subject of Kukio's instant motion for reconsideration and/or clarification, that Kukio failed to provide sufficient evidence to allow the commission to adequately resolve whether the transfer of utility assets from the developer to Kukio should be deemed for value and not a contribution-in-aid-of construction, and that Kukio's proposed non-potable irrigation water service within the proposed service area should be regulated.

²Order No. 20122, filed on April 14, 2003, granted Kukio's first request for an enlargement of time, until April 30, 2003, in which to file its motion for reconsideration and/or clarification.

reconsideration and/or clarification. On May 14, 2003, Kukio filed a motion to further enlarge the time to file its motion for reconsideration and/or clarification, until June 16, 2003 (motion to further enlarge time).

Kukio states that it is unable to prepare its motion for reconsideration and/or clarification by the May 15, 2003 deadline. Its outside regulatory accountant cannot gather, by May 15, all of the documents and prepare a response to the commission's determination, made in the Decision and Order, that the proposed non-potable irrigation water service should be regulated.

By a statement signed on May 14, 2003, the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (Consumer Advocate) states that it does not object to Kukio's motion to further enlarge time, until June 16, 2003 to file a motion for reconsideration and/or clarification of the Decision and Order.

II.

Pursuant to HAR § 6-61-23(a), we may, in our discretion, grant a request for an enlargement of time upon a showing of good cause. Based upon Kukio's representations, and the Consumer Advocate's statement that it does not object to Kukio's motion to further enlarge time, the commission finds good cause to grant Kukio's motion to further enlarge time.

III.

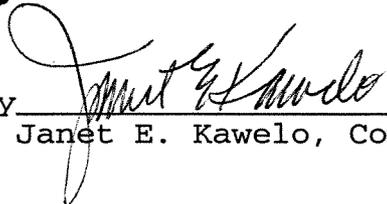
THE COMMISSION ORDERS that Kukio's motion to further enlarge time, until June 16, 2003, to file a motion for reconsideration and/or clarification of Decision and Order No. 20103 filed on March 27, 2003, is granted.

DONE at Honolulu, Hawaii this 29th day of May, 2003.

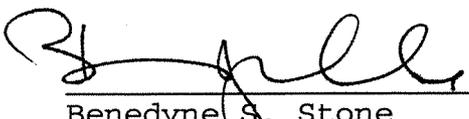
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

01-0433.sl2

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20207 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

KUKIO UTILITY COMPANY, LLC
Attention: Milton K. Morinaga
P. O. Box 5349
Kailua-Kona, HI 96745-5349

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KENT D. MORIHARA, ESQ.
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Honolulu, HI 96813



Karen Higashi

DATED: May 29, 2003